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[Kosciuk v. Consumers Power Co.](#), 90-ERA-56 (Sec'y Sept. 13, 1994)

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DATE: September 13, 1994
CASE NO. 90-ERA-56

IN THE MATTER OF

URSULA KOSCIUK,

COMPLAINANT,

v.

CONSUMERS POWER COMPANY,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT
AND DISMISSING CASE

Before me for review is the Recommended Order of Dismissal issued August 30, 1994, by the Administrative Law Judge (ALJ) in the captioned case, which arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988).

The parties in this case have submitted a Release and Settlement Agreement dated August 22, 1994, and the ALJ has recommended that their agreement be approved. I note that the settlement covers matters other than claims arising under the ERA. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co.*, Case No. 86-CAA-1, Sec. Ord., Nov. 2, 1987, slip op. at 2, I have limited my review of the parties' settlement to determining whether it constitutes a fair, adequate and reasonable settlement of Complainant's allegations that Respondent violated the ERA. The Release and Settlement Agreement has been reviewed, I find that it constitutes a fair, adequate and reasonable settlement of Complainant's claim under the above statute, *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-1154 (5th Cir. 1991); *Thompson v. U.S. Department of Labor*, 885 F.2d 551, 556 (9th Cir. 1989), and I approve it.

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Accordingly, the complaint in this case is dismissed with

prejudice.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.